

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

JAKOV DOLIC,

Plaintiff,

vs.

LAYER1 TECHNOLOGIES, INC.,

Defendant.

Civil Action No.: 4:20-cv-00078

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO WITHDRAW

Layer1 Technologies Inc. (“Layer1”) files this response to Plaintiff Jakov Dolic’s (“Dolic”) Motion to Withdraw Motion for *Ex Parte* Temporary Restraining Order and Motion for Preliminary Injunction (Dkt. 15, the “Motion”) and respectfully states:

Layer1 asks the Court to proceed with the hearing set for Friday, November 13, 2020 for three reasons. First, the Motion seeks to withdraw the request for relief contained at Docket Entry No. 3. It does not seek to withdraw the relief requested in Docket Entry No. 7, which is what is set for hearing on Friday. *See* Dkt. 10 at p. 7 (Court’s order setting the hearing).

Second, and more fundamentally, Layer1 needs the certainty that will come from the Court’s outright denial of Dolic’s request for a preliminary injunction, not the uncertainty that will inhere in allowing Dolic to withdraw his request without prejudice to re-urging it later. As set forth in Layer1’s response to Dolic’s preliminary injunction motion (Dkt. 12), Dolic’s attempt to show imminent and irreparable harm is based on misrepresentations of fact. Nevertheless, the fact that Dolic filed a motion for preliminary injunction is damaging Layer1’s business, regardless of that motion’s wholesale lack of merit. The damage to Layer1’s business will be mitigated by the

Court's denial of Dolic's motion, not by allowing him to withdraw it and re-urge it at some future date.

Third, Layer1 believes that once the Court hears the evidence on Friday, the Court may wish to "advance the trial on the merits and consolidate it with the hearing" pursuant to Federal Rule of Civil Procedure 65(a)(2) and dispose of Dolic's claims altogether, fully and finally.

Prayer

For these reasons, Layer1 asks the Court to proceed with the hearing set for Friday, November 13, 2020.

[signature page follows]

Respectfully submitted,

/s/ Jason M. Hopkins

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I certify that I served this response on all counsel of record via the Court's CM/ECF system on November 11, 2020.

/s/ Jason M. Hopkins
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